

**National Aeronautics and Space Administration
Ames Research Center
Moffett Field, California 94035-1000**

Justification for Other than Full and Open Competition

[FAR 6.303-2(a)(1)]

Summary Information:

Initiating Office: NASA Ames Research Center (ARC)

Purchase Request No.: PR 4200380060

Procurement Title: Programs and Projects Services

Total Estimated Value: **FOIA Ex. 5**

Period of Performance: June 1, 2011, through May 31, 2012

Statutory Authority: 10 USC 2304(c)(1), *Only One Responsible Source and No Other*
[FAR 6.303-2(a)(4)] *Supplies or Services Will Satisfy Agency Requirements*

This Justification for Other than Full and Open Competition (JOFOC) has been prepared in accordance with the requirements of Federal Acquisition Regulation (FAR) 6.303 and NASA FAR Supplement (NFS) 1806.303.

Detailed Information:

A. Nature and/or description of the action being approved. [FAR 6.303-2(a)(2)]

NASA ARC proposes to negotiate a sole source contract modification with Lockheed Martin to extend the period of performance of contract NAS2-02090 for up to twelve additional months. Upon JOFOC approval, the current contract will be modified to extend performance for one 6-month base period (from June 1, 2011, through November 30, 2011), followed by six 1-month option periods, if exercised. The total contract performance period, including all extensions and options, will be till May 31, 2012.

The purpose of this extension is to provide on-going support for mission critical work at ARC, as described in paragraph B below, pending release of the draft/final solicitation, submission of proposals, proposal evaluation and award selection of the new procurement.

B. Description of the supplies or services required to meet the agency's needs (including estimated value). [FAR 6.303-2(a)(3)]

The purpose of this JOFOC is to extend the current Programs and Projects contract for a period of up to twelve additional months, pending completion of the competitive placement of a new requirement for Project and Engineering Support Services (PESS). In conducting market research and during the Acquisition Strategy process for the recompetes of P&P, NASA determined a need to have a new requirement (different then the existing P&P requirement) in place to support the Programs and Projects Directorate and the Engineering Directorate.

The reassessment of procurement approach resulted in development of a new Statement of Work (SOW) and conducting market research on the new requirement, prompts the need for a twelve month extension (if all options are exercised) of this mission critical work.

The current contract provides support to science, space, exploration efforts through discrete programs and projects. At NASA/ARC the Programs and Projects Directorate conducts and manages programs and projects, and develops and executes missions. Support requirements span multiple Directorates at ARC, other NASA Centers and NASA Headquarters. In order for the various Directorates to develop, manage, and execute programs within its mission area, research and development is required in the areas of Program Management, Project Management, Program Support, Collaborative Technologies, Engineering, Hardware and Software Systems Engineering and Educational Outreach.

The North American Industry Classification System (NAICS) Code for Programs and Projects Services is 541712, Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology) with a size standard of 500 employees. The estimated value of the services for this twelve-month extension is approximately **FOIA Ex. 5**, based on the Government's Independent Cost Estimate (ICE). The ICE was based on a technical review of the labor and materials anticipated to be necessary for continued performance of requirements for the remaining period of performance. The current contract is a Cost Plus Award Fee (CPAF) contract with value of **FOIA Ex. 5**. Based on review of anticipated requirements during the extension, the value will have to be increased, by **FOIA Ex. 5**, from the current value of **FOIA Ex. 5** to a value of **FOIA Ex. 5**.

C. An identification of the statutory authority permitting other than full and open competition. [FAR 6.303-2(a)(4)]

The statutory authority is 10 USC 2304(c)(1), *Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements*.

D. Demonstration of the proposed Contractor's unique qualification or the nature of the acquisition requires use of the authority cited. [FAR 6.303-2(a)(5)]

In accordance with FAR 6.302-1(a)(2)(iii), for DoD, NASA, and the Coast Guard, services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition, or unacceptable delays in fulfilling the agency's requirements. Based on the rationale set forth below, the incumbent contractor is the only responsible source that can reasonably satisfy these requirements pending award of the new procurement.

The twelve month extension to the current contract is necessary to provide coverage of the mission critical Programs and Projects requirements pending completion of the new requirement. Award to any other source for this twelve month extension period would result in substantial duplication of costs to the Government that would not be recovered through competition. This duplication of costs would include not only those costs associated with competing a separate procurement for the extension period, but also the costs associated with phase-in activities for the separate twelve month contract, which would be necessary to ensure that the new, possibly different, Contractor has proper knowledge of work requirements

necessary to support the Programs and Projects requirements. The Contractor's support is on a critical path for spaceflight missions with 6 payloads launches on STS-135 scheduled in June 2011, Progress (Russian Space Vehicle) scheduled to launch in August 2011 and the AntimicrobialSat/Microsat in-situ Space Technology mission is scheduled to launch in November 2011. Hence a twelve month extension, rather than a new procurement for a twelve month contract, is the only cost-effective and reasonable approach for NASA to take in the present situation.

E. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under 5.202 applies. [FAR 6.303-2(a)(6)]

A synopsis for this extension was posted on the NASA Acquisition Internet System (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on February 18, 2011, for 17 calendar days to inform the public of NASA's intent to extend contract NAS2-02090 with Lockheed Martin in order to continue performance through May 31, 2012. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. No capability statements were received in response to the synopsis.

F. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable. [FAR 6.303-2(a)(7)]

The Contracting Officer has determined that the Government's **FOIA Ex. 5** Independent Cost Estimate (ICE) is fair and reasonable. Further, the price to be proposed by the Contractor to perform the twelve month extension will be analyzed by the Contracting Officer in accordance with FAR 15.404, using cost and price evaluation techniques, to assure that the proposed price is fair and reasonable. Pre-negotiation objectives will be prepared prior to the initiation of negotiations and will be approved in accordance with FAR 15.406 prior to the conduct of negotiations.

G. Description of the market research conducted and the results or a statement of the reason market research was not conducted. [FAR 6.303-2(a)(8)]

A synopsis was posted in NAIS and FedBizOpps as stated in paragraph E above and no interested parties responded.

Review of capability statements in response to the sources sought notice posted May 14, 2010 and June 7, 2010. The sources sought synopsis notice was published in NAIS and FedBizOpps on May 14, 2010 to solicit information about potential sources to acquire services for programs and projects at NASA Ames Research Center. The work to be performed covers research and development, program management, project management, project support, collaborative technologies, engineering, hardware and software systems engineering, educational outreach, and contract management and administration.

Interested organizations were also requested to submit their capabilities and qualifications to perform the effort in writing to the identified point of contact no later than 3:00 PM PST on June 7, 2010. Eleven (11) responses were received and evaluated by the Contracting Officer (CO) and Contracting Officer Technical Representative (COTR). The results of the review indicate several businesses could perform the requirement, however, a potential change in Contractor support would impact the critical milestones identified in paragraph D.

H. Any other facts supporting the use of other than full and open competition.

[FAR 6.303-2(a)(9)]

The Contractor provides support to various directorates at the Center. Lockheed Martin's performance under the current contract has been rated between "Very Good" to "Excellent", award fee ratings since award of the contract. It is clear that Lockheed Martin can seamlessly provide the support for programs and projects without unacceptable delays or substantial duplication of cost to the Government.

I. Listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

[FAR 6.303-2(a)(10)]

No other source expressed interest in providing the additional work required by this extension.

J. Statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

[FAR 6.303-2(a)(11)]

This sole source award of a twelve month extension to the Program and Project contract is due to additional time needed to complete the new requirement (different then the existing P&P requirement).

The current Programs and Projects contract was awarded as a full and open competition and only one Offeror submitted a proposal in response to that solicitation. The need to provide additional time to complete the new requirement is considered warranted and necessary to ensure competitive proposals are fairly evaluated.

For the foregoing reasons, and pursuant to FAR 6.302-1(a)(2)(iii), Lockheed Martin is the only responsible source to perform the Programs and Projects from June 1, 2011, through May 31, 2012.

Signature Page

Requirement Initiator:
Oscar Jung

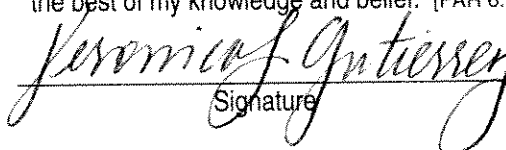
I certify that the facts presented in this justification are accurate and complete.


Signature

3-22-2011
Date

Contracting Officer:
Veronica L. Gutierrez

I hereby determine that the anticipated cost to the Government will be fair and reasonable and certify that this justification is accurate and complete to the best of my knowledge and belief. [FAR 6.303-2(a)(12)]


Signature

3/19/2011
Date

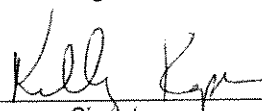
CONCURRENCE:

Directorate Manager:
Alan R. Weston


Signature


3/29/11
Date

Acting Procurement Officer:
Kelly Kaplan


Signature

4/1/11
Date

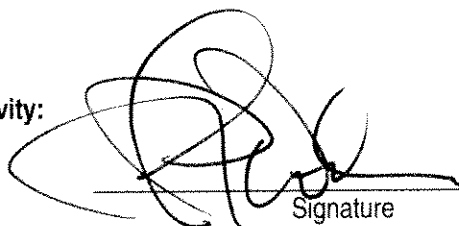
Center Competition Advocate:
Charles W. Duff II
Acting ARC Deputy Director


Signature

4/6/11
Date

APPROVAL:

Head of the Contracting Activity:
S. Pete Worden
ARC Center Director


Signature

4/7/11
Date

cc (after approval):
JAB/241-1